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**CERTIFICATE OF MAILING**

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Judy Jarecki-Black, Ph.D., J.D.

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	Docket No:	AVI 013
Jeffrey C. Rapp	)		
	)		
Serial No: 09/922,549	)	Art Unit:	Not Assigned
	)		
Filing Date: August 03, 2001	)		
	)		
Title: "Avian Lysozyme Promoter"	)		

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Applicants hereby voluntarily disclose the items listed on the attached Form PTO-1449 to the Assistant Commissioner for Patents. A copy of each of these documents is provided herewith.

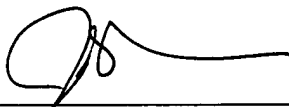
Applicants further reserve the right to establish the patentability of the claimed invention over any of the listed information should they be applied as references, and/or to prove that some of the cited information may not be prior art, and/or to prove that some of the cited information may not be enabling for the teachings they purport to offer. This statement further should not be construed as a representation that an exhaustive search has been made, or that the information cited herewith is material, or that there does not exist information more material to the examination of the present Application. The

Examiner is specifically requested not to rely solely on the information submitted herein. On the contrary, the Examiner is requested to conduct an independent and thorough review of the information, and to form independent opinions as to their significance.

It is respectfully requested that the Examiner initial and return copies of the enclosed PTO-1449 and to indicate in the official file wrapper of the above-identified patent application that each item of the cited information has been considered.

The Examiner is invited to contact the undersigned at his convenience should any issues remain following entry of this response.

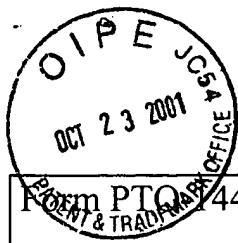
If any fee or extension of time is required to obtain entry of this Response, the undersigned hereby petitions the Commissioner to grant any necessary time extension and authorizes charging Deposit Account No. 501729 for any such fee not submitted herewith.



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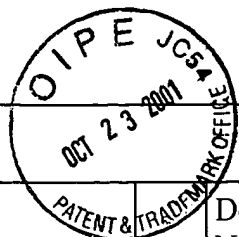
<b>Form PTO 449</b> <b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	Attorney Docket No. AVI-013	Serial No. 09/922,549
	Applicant Jeffrey C. Rapp	
	Filing Date 03 August 2001	Group Not Assigned

**U.S. PATENT DOCUMENTS**

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A	5,591,639	01-07-97	Bebbington			09-02-1994
	B	4,237,224	12-02-80	Cohen et al.			01-04-1979
	C	5,580,859	12-03-96	Felgner et al.			03-18-1994
	D	5,589,466	12-31-96	Felgner et al.			01-26-1995
	E	5,175,384	12-29-92	Krimpenfort et al.			12-05-1988
	F	4,603,112	07-29-86	Paoletti et al.			12-08-1982
	G	4,722,848	02-02-88	Paoletti et al.			06-19-1984
	H	4,769,330	09-06-88	Paoletti et al.			12-24-1981
	I	5,174,993	12-29-92	Paoletti et al.			06-14-1990
	AA	5,338,683	08-16-94	Paoletti et al.			04-04-1990
	BB	5,494,807	02-27-96	Paoletti et al.			08-12-1993
	CC	5,505,941	04-09-96	Paoletti et al.			07-22-1992
	DD	5,731,178	03-24-98	Sippel et al.			05-26-1995

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	J	WO 94/11524	11-09-92	PCT				X
	K	WO 91/06309	11-03-89	PCT				X
	L	WO 00/56932	03-22-99	PCT				X
	M	WO 00/11151	08-25-98	PCT				X

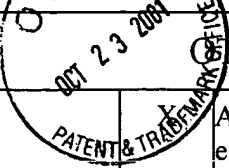


## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	N	WO 99/19472	10-16-97	PCT				X
	AA	WO 93/25234	06-08-92	PCT				X
	BB	WO 97/47739	06-12-96	PCT				X
	CC	WO 94/06920	09-22-92	PCT				X
	GG	WO 92/22635	06-05-91	PCT				X
	HH	WO 92/20316	05-14-91	PCT				X
	II	WO 92/19749	05-03-91	PCT				X
	JJ	WO 93/04701	09-05-91	PCT				X
	KK	WO 92/06180	10-01-90	PCT				X

## OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, etc.)*

	O	Exons encode functional and structural units of chicken lysozyme, Jung et al; PNAS USA, 77:5759-5763, (Oct. 1980)
	P	An Initiation Zone of Chromosomal DNA Replication at the Chicken Lysozyme Gene Locus*, Loc Phi-van et al; The Journal of Biological Chemistry 273:18300-18307 (1998)
	Q	The matrix attachment regions of the chicken lysozyme gene co-map with the boundaries of the chromatin domain, Phi-Van and Stratling; EMBO Journal 7:655-664 (1988)
	R	Lysozyme Level in Blood Serum of Newly Hatched White Leghorn Chickens, Rosolowska-Huszcz; Bulletin De L'academie Polonaise Des Sciences, 26:891-894 (1978)
	S	Prerequisites for tissue specific and position independent expression of a gene locus in transgenic mice, Bonifer et al; J Mol Med 74:663-671(1996)
	T	A nuclear DNA attachment element mediates elevated and position-independent gene activity, Stief et al; Nature 341:343-345(Sept. 1989)
	U	Tissue specific and position independent expression of the complete gene domain for chicken lysozyme in transgenic mice, Bonifer et al; EMBO Journal 9:2843-2848 (1990)
	V	Stopped at the border: boundaries and insulators, Bell and Felsenfeld; Current Opinion in Genetics & Development, 9:191-198(1999)
	W	Dissection of the Ability of the Chicken Lysozyme Gene 5' Matrix Attachment Region To Stimulate Transgene Expression and To Dampen Position Effects; Phi-Van and Stratling; Biochemistry 35:10735-10742(1996)



OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
		Activity of two different silencer elements of the chicken lysozyme gene can be compensated by enhancer elements, Baniahmad et al; EMBO Journal 6:2297-2303(1987)
	Y	The lysozyme enhancer: cell-specific activation of the chicken lysozyme gene by a far-upstream DNA element, Theisen et al; EMBO Journal 5:719-724(1986)
	Z	The Chicken Lysozyme Locus as a Paradigm for the Complex Developmental Regulation of Eukaryotic Gene Loci, Bonifer et al; Journal of Biological Chemistry 272:26075-26078(1997)
	AA	A progesterone responsive element maps to the far upstream steroid dependent DNase hypersensitive site of chicken lysozyme chromatin, Hecht et al; EMBO Journal 7:2063-2073(1988)
	BB	Chromatin fine structure profiles for a developmentally regulated gene: reorganization of the lysozyme locus before trans-activator binding and gene expression, Kontaraki et al.; Genes & Development 14:2104-2122(2000)
	CC	The Far Upstream Chicken Lysozyme Enhancer at -6.1 Kilobase, by Interacting with NF-M, Mediates Lipopolysaccharide-induced Expression of the Chicken Lysozyme Gene in Chicken Myelomonocytic Cells, Goethe and Phi Van; Journal of Biological Chemistry 269:31302-31309(1994)
	DD	Chromatin Domains Constitute Regulatory Units for the Control of Eukaryotic genes, Sippel et al; Cold Spring Harbor Symposia on Quantitative Biology, 58:37-44(1993)
	EE	Dynamic Changes in the Chromatin of the Chicken Lysozyme Gene Domain During Differentiation of Multipotent Progenitors to Macrophages, Huber et al; DNA and Cell Biology 14:397-402(1995)
	FF	Alternative sets of DNase I-hypersensitive sites characterize the various functional states of the chicken lysozyme gene, Fritton et al; Nature 311:163-165(Sept. 1984)
	GG	Reduced Position Effect in Mature Transgenic Plants conferred by the Chicken Lysozyme Matrix-Associated Region, Mlynarova et al; The Plant Cell 6:417-426(1994)
	HH	Development of position-independent expression vectors and their transfer into transgenic fish, Caldovic and Hackett; Mol. Marine Biol. and Biotech 4:51-61(1995)
	II	Chicken repeat 1(CR1) elements, which define an ancient family of vertebrate non-LTR retrotransposons, contain two closely spaced open reading frames, Haas et al; Gene 197:305-309(1997)
	JJ	Sequence conservation in avian CR1: An interspersed repetitive DNA family evolving under functional constraints, Chen et al; PNAS USA 88:5814-5818 (July 1991)
	KK	Position-independent expression of transgenes in zebrafish, Caldovic et al; Transgenic Research 8:321-334(1999)
	LL	Lysozyme in Hen Blood Serum, Sato and Watanabe, Poultry Science 55:1749-1756(1976)
	MM	Untitled, Steiner et al; Nucleic Acids Research, 15:4163-4178 (1987)